



**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ESEQUIEL DE JESUS GONZALEZ
ORCINO,
Defendant.

Case No. 14-2493M

ORDER OF DETENTION

I.

The Court conducted a detention hearing:

☐ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
allegedly involving Choose an item.

☒ On motion by the Government or on the Court's own motion
[18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the
defendant will flee.

The Court concludes that the Government is NOT entitled to a rebuttable
presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety of any person or the
2 community [18 U.S.C. § 3142(e)(2)].

3 II.

4 The Court finds that no condition or combination of conditions will
5 reasonably assure: ☒ the appearance of the defendant as required.

6 ☒ the safety of any person or the community.

7 III.

8 The Court has considered: (a) the nature and circumstances of the offense(s)
9 charged, including whether the offense is a crime of violence, a Federal crime of
10 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
11 or destructive device; (b) the weight of evidence against the defendant; (c) the
12 history and characteristics of the defendant; and (d) the nature and seriousness of
13 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
14 considered all the evidence adduced at the hearing and the arguments, the
15 arguments of counsel, and the report and recommendation of the U.S. retrial
16 Services Agency.

17 IV.

18 The Court bases its conclusions on the following:

19 As to risk of non-appearance:

- 20 ☒ Lack of bail resources
21 ☒ Refusal to interview with Pretrial Services
22 ☒ No stable residence or employment
23 ☐ Previous failure to appear or violations of probation, parole, or
24 release
25 ☒ Ties to foreign countries
26 ☐ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
27 ☒ IMMIGRATION DETAINER/undocumented immigration
28 status

As to danger to the community:

- ☒ Nature of previous criminal convictions
- ☒ Allegations in present charging document
- ☐ Substance abuse
- ☐ Already in custody on state or federal offense
- ☐
- ☐

V.

- ☐ The Court finds a serious risk that the defendant will
 - ☐ obstruct or attempt to obstruct justice.
 - ☐ threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

The Court bases its conclusions on the following:

Defendant was born in Mexico and appears to be undocumented. Defendant was previously deported/removed to Mexico by immigration authorities in 2005 and 2006 following his conviction, in 2004, for assault with a firearm. The Court is not convinced that the defendant will abide by its order to appear for future court appearances if released on bail. In addition, the prospective penalty that defendant faces, if convicted of the charged offense, supports a finding that release on bail will pose a flight risk because defendant will likely be deported after serving the sentence imposed, and the Court finds that, in conjunction with the other factors noted above, this will provide an incentive to flee the jurisdiction.

VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial. The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

Dated: December 19, 2014



HON. ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE